

REMARKS

This Amendment is submitted in response to the Office Action mailed on September 17, 2008. Claims 1, 4, 13, 15, 24, 25, 29, 30, 35, 37 and 38 have been amended, and claims 1-38 remain pending in the present application. In view of the foregoing amendments, as well as the following remarks, Applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

Applicant respectfully traverses the rejections of claims 24 and 37 under 35 U.S.C. §112, second paragraph, and respectfully requests that the rejections be withdrawn. As Examiner will note, Applicant has amended each of independent claims 24 and 37 to recite that the selection event is determined to have occurred in response to receiving a signal from a down key and an up key at "essentially" the same time. Claim 13 has been similarly amended. Support for these amendments is provided in Applicant's disclosure at Paragraph [0040] that describes a suitable selection manner as including engaging both the down and up keys (24 and 26) at essentially the same time.

As Examiner may be aware, the Federal Circuit has held, with respect to the definiteness of relative terms, that "[m]athematical precision should not be imposed for its own sake; a patentee has a right to claim the invention in terms that would be understood by persons of skill in the field of the invention." *Modine Mfg. Co. v. U.S.*

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Int'l Trade Comm., 37 USPQ2d 1609, 1617 (Fed. Cir. 1996). See also *Seattle Box Co., Inc. v. Indus. Creating & Packing, Inc.*, 731 F.2d 818, 826 (Fed. Cir. 1994).

("Definiteness problems often arise when words of degree are used in a claim. That some claim language may not be precise, however, does not automatically render a claim invalid.") Consequently, Applicant respectfully submits that the recitation of "essentially" in each of claims 13, 24 and 37, so as not to require receiving a signal from the down key and the up key at exactly the same time, does not render these claims indefinite. Accordingly, the rejections of claims 24 and 37 under 35 U.S.C. §112, second paragraph, should be withdrawn.

Claims 1-12, 14-23, 25-29, 30-36 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yagi et al., U.S. Patent No. 6,393,429 in view of Furst, U.S. Patent No. 5,926,387. Claims 13, 24 and 37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yagi et al. in view of Furst and Klauber, U.S. Patent No. 5,358,343. Where Applicant respectfully traverses these rejections, Applicant has amended each of independent claims 1, 15, 25, 29, 30 and 38 to more sharply define the claimed invention over the prior art of record and respectfully requests that the rejections be withdrawn.

In Paragraph 51 of the Final Office Action, Examiner asserted that Applicant's arguments presented in the Amendment mailed on May 12, 2008, were not

commensurate with the scope of the claims since the aspect of "adding a configuration of a system based on a hardware part" was not recited in the rejected claims.

In view of Examiner's assertion in the Final Office Action, Applicant has amended each of independent claims 1, 15, 25, 29, 30 and 38 to specifically incorporate this aspect into each of the independent claims, and thereby overcome the outstanding rejections.

In particular, independent claim 1 has been amended to recite that each of the previously selected rotor and the desired rotor has a respective rotor parameter associated therewith. The rotor parameter associated with the desired rotor is utilized during the centrifuge run when the desired rotor is selected. Independent claims 15, 25 and 30 have been amended to recite that each of the previously selected rotor and the newly selected rotor has a respective rotor parameter associated therewith, wherein the rotor parameter associated with the previously selected rotor or the newly selected rotor is stored to a run parameter of the centrifuge device in response to selection of either of the previously selected rotor or the newly selected rotor. Support for these amendments is provided in Paragraphs [0037] and [0043] of Applicant's disclosure, for example, which describe that the rotor parameter of the selected rotor is utilized in the centrifuge run of the centrifuge device.

As Examiner will appreciate, amended independent claims 1, 15, 25 and 30 are now commensurate with Applicant's prior arguments set forth in the Amendment

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mailed on May 12, 2008 and the rejections of these claims should be withdrawn. Since Examiner's rejections of the now pending claims are essentially the same as the prior rejections set forth in the Office Action mailed on January 11, 2008, Applicant's prior arguments as set forth in the Amendment mailed on May 12, 2008 are incorporated herein by reference in their entirety as if fully set forth herein.

Moreover, independent claims 29 and 38 have been amended to recite means for providing a first subset of options for configuration of a motorized device (claim 29) or providing a first subset of options for configuration of a centrifuge (claim 38), and means for providing a second subset of options for configuration of the motorized device (claim 29) or providing a second subset of options for a centrifuge (claim 38). In this way, the first and second subsets of options recited in each of independent claims 29 and 38 do indeed relate to the configuration of the motorized device (claim 29) or centrifuge (claim 38), and Applicant's prior arguments as set forth in the Amendment mailed on May 12, 2008 are now commensurate with the scope of the claims.

As Examiner appears to concede in the Final Office Action, the user interface of Yagi et al. for selecting a desired file/folder is not applicable to a centrifuge or motorized device having menus or means for changing the configuration of the centrifuge or motorized device as recited in each of independent claims 1, 15, 25, 29,

30 and 38 since the system of Yagi et al. merely relates to a file selection scheme that does not change the configuration of a machine in any way.

Examiner further appears to concede in the Final Office Action that Furst does not cure these deficiencies in Yagi et al. since Furst does not teach or suggest any mechanism for adding a rotor (claims 1, 15, 25 and 30) or a second subset of options for configuration of a motorized device (claim 29) or a second subset of options for configuration of a centrifuge (claim 38). Rather, the system of Furst incorporates an automatic detection mechanism for detecting a rotor that is not included in the list of rotors. This is entirely different than the apparatus and methods recited in each of independent claims 1, 15, 25, 29, 30 and 38. Consequently, the hypothetical combination of Yagi et al. and Furst fails to achieve Applicant's claimed invention as recited in each of independent claims 1, 15, 25, 29, 30 and 38 and the rejections of these claims should be withdrawn.

Moreover, as claims 2-14, 16-24, 26-28 and 31-37 depend from allowable independent claims 1, 15, 25, 29 and 30, and further as each of these claims recites a combination of elements or steps not fairly taught or suggested by the prior art of record, the rejections of these claims are submitted to be allowable as well.

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Conclusion

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If there is any issue that remains which may be resolved by telephone conference, the Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

Please see the electronic fee calculation sheet for the charge in the amount of \$810 for the RCE fee as required by 37 C.F.R. §1.17(e) and for the charge in the amount of \$1,110 for the three months extension fee as required by 37 C.F.R. §1.17(a)(3). If any other fees are necessary, the Commissioner is hereby authorized to charge any underpayment or fees associated with this communication or credit any overpayment to Deposit Account No. 23-3000.

Respectfully submitted,

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